

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: AUSTIN H. DEMENTI, R.N.
a.k.a. Austin Warner
License Number: 0001-189958
Case Number: 164035

RATIFICATION AND ORDER

On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. AUSTIN H. DEMENTI, R.N. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Dementi failed to appear at the informal conference, this Order shall be considered final. Ms. Dementi has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Dementi has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

pr *Gloria Mitchell-Lively*
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

July 27th 2016

Certified True Copy

By *Stacy*
Virginia Board of Nursing

BEFORE THE VIRGINIA BOARD OF NURSING

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 20, 2016 in Henrico County, Virginia, to inquire into evidence that AUSTIN H. DEMENTI, R.N. may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Dementi did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated March 23, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Dementi notifying her that an informal conference would be held on April 20, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. According to the USPS tracking website, delivery of the Notice sent by certified mail was attempted but the Notice remained unclaimed. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Dementi and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. AUSTIN H. DEMENTI, R.N. was issued License Number 0001-189958 to practice professional nursing on May 7, 2004, which is scheduled to expire on February 28, 2018. At all times relevant to the allegations herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. By Order entered May 10, 2014, the Board reprimanded Ms. Dementi based on findings that she had tested positive for opiates, for which she did not have a prescription, on a for-cause urine drug screen while employed at Bon Secours Memorial Regional Medical Center.

3. AUSTIN H. DEMENTI, R.N. violated Virginia Code § 54.1-3007(2), (5), and (6) and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that during the course of her employment with Parham Doctors' Hospital, Richmond, Virginia, between September 2014 and July 2015, she diverted controlled substances for her personal and unauthorized use, as evidenced by the following:

a. On multiple occasions, she administered controlled substances to other nurses' patients without their request and without notifying them.

b. She changed the sharps containers more frequently than needed; this task was generally completed by technicians, not by nurses.

c. On at least two occasions, she was observed going through sharps containers.

d. According to pharmacy reports from September 2014 through June 2015, her narcotics administration was consistently multiple units of standard deviation above the mean for her peers throughout the hospital and at her station.

e. On November 8, 2014, she withdrew morphine sulfate 4mg (C-II) for Patient A at 12:10 and then documented wastage of the entire 4mg at 12:12:17. She had already documented administering morphine sulfate to this patient at 12:05.

f. On November 11, 2014, she withdrew hydromorphone 1mg (C-II) for Patient B at 12:38 and then documented wastage of the entire 1mg at 12:40. She had already documented giving hydromorphone to this patient at 12:35.

g. On November 14, 2014, she withdrew lorazepam 2mg (C-IV) for Patient C at 12:27 and then documented wastage of the entire 2mg at 14:27.

h. On November 22, 2014, she withdrew fentanyl 100mcg (C-II) for Patient D at 14:37 and then documented wastage of the entire 100mcg at 14:39.

i. On March 17, 2015:

i. She withdrew hydromorphone 2mg for Patient E at 17:54 and then documented wastage of the entire 2mg at 18:07.

ii. She withdrew hydromorphone 1mg for Patient F at 17:19 and then documented wastage of the entire 1mg at 17:21:28. She then withdrew hydromorphone 1mg again at 17:21:58 and documented administering it at 17:26.

j. On April 4, 2015, she withdrew lorazepam 2mg and morphine sulfate 4mg for Patient G at 15:10 and then documented wastage of the full amount of both medications at 15:38.

k. On April 8, 2015, she withdrew morphine sulfate 4mg for Patient H at 08:45 and then documented wastage of the entire 4mg at 08:56.

l. On April 12, 2015, she withdrew morphine sulfate 4mg for Patient I at 13:59 and then documented wastage of the entire 4mg at 14:02. Another nurse had already given this medication to Patient I at 13:42 and documented relief from pain at 13:57.

- m. On May 1, 2015, she withdrew hydromorphone 1mg for Patient J at 09:09 and then documented wastage of the entire 1mg at 09:23.
 - n. On June 15, 2015, she withdrew hydromorphone 1mg for Patient K at 21:01, but failed to document administration or wastage of the medication.
 - o. On July 12, 2015, she documented administration of hydromorphone 2mg to Patient L, but you failed to actually administer the medication.
4. Patients reported not getting pain relief or feeling any effect after Ms. Dementi documented administering pain medications to them. Subsequently, when other nurses documented administering half of what Ms. Dementi had purportedly given, the patients experienced pain relief.
5. Ms. Dementi resigned her employment with Parham Doctors' Hospital during the investigation of this matter. She had worked there for approximately one year.
6. Ms. Dementi did not respond to contact attempts by an investigator for the Department of Health Professions. She is not enrolled in the Health Practitioners' Monitoring Program.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

- 1. The license issued to AUSTIN H. DEMENTI to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
- 2. The license of AUSTIN H. DEMENTI will be recorded as SUSPENDED.
- 3. This suspension applies to any multistate privilege to practice professional nursing.
- 4. Should AUSTIN H. DEMENTI seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on AUSTIN H. DEMENTI to demonstrate that she is safe and competent to return to the practice of

nursing. Ms. Dementi shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on May 3, 2016

By Jane Elliott, R.N., Ph.D.

Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing